

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

PETER MOSES GUTIERREZ, JR., et
al.,

Plaintiffs,

vs.

AMPLIFY ENERGY
CORPORATION, et al.,

Defendants/Third-Party
Plaintiffs.

Case No. 8:21-cv-01628-DOC-JDE
Case No. 2:22-cv-02153-DOC-JDE

Judge: Hon. David O. Carter

Stipulated Order

In the Matter of the Complaint of
DORDELLAS FINANCE CORP.,
owner, and MSC MEDITERRANEAN
SHIPPING COMPANY S.A., Owner
pro hac vice, of the Motor Vessel MSC
DANIT, and its engines, tackle, apparel,
and appurtenances,

and

CAPETANISSA MARITIME
CORPORATION, Owner of the Motor
Vessel BEIJING, and her engines,
tackle, apparel, and appurtenances.

1 The parties submit the following stipulated proposed order to the Court
2 in the Limitation Action and the *Gutierrez* Action.

3 Whereas:

- 4 1. The Vessel Defendants¹ have entered into binding settlements with
5 Amplify², the Subrogated Insurers³, and DCOR L.L.C. and Channel
6 Islands Capital, L.L.C. (“DCOR”). These are binding agreements
7 that will not require Court approval and will release all claims
8 asserted by Amplify, the Subrogated Insurers, and DCOR against
9 the Vessel Defendants, the Marine Exchange of Southern California
10 (“Marine Exchange”) and COSCO Shipping Lines, Co. LTD
11 (“COSCO”).
- 12 2. Amplify has previously entered into a proposed settlement with the
13 Class Plaintiffs that is scheduled for a final approval hearing on
14 April 24, 2023. (Dkt. Nos. 664, 665, 666, and 678.)
- 15 3. The Class Plaintiffs intend to file a motion for preliminary approval
16 of their proposed settlement with the Vessel Defendants this week.
17 That settlement, if approved, will resolve all of the claims the Class
18 Plaintiffs have asserted or could assert in both the Limitation Action
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21 ¹ The Vessel Defendants are Capetanissa Maritime Corporation, Costamare
22 Shipping Co., S.A., V.Ships Greece Ltd., and the M/V BEIJING (the “Beijing
23 Defendants”) and Dordellas Finance Corp., MSC Mediterranean Shipping Company
24 SA, Mediterranean Shipping Co. S.r.l., MSC Shipmanagement Ltd. and the M/V
MSC DANIT (the “Dordellas Defendants”).

25 ² Amplify refers to Amplify Energy Corp., Beta Operating Company, LLC, and San
Pedro Bay Pipeline Company.

26 ³ The Subrogated Insurers are Markel International Insurance Company, Ltd., Ascot
27 Underwriting Inc., and Certain Insurers at Lloyd’s of London and London Company
28 Markets Subscribing to Policy No. B0180ME2001399.

1 and the *Gutierrez* Action against the Vessel Defendants, Marine
2 Exchange and COSCO.

3 4. Upon finalization of the Vessel Defendants' settlements with DCOR
4 and the Subrogated Insurers, and the Court's approval of the
5 proposed class settlement between the Vessel Defendants and Class
6 Plaintiffs, the Marine Exchange and COSCO will dismiss any
7 claims they have asserted in the Limitation Action against the
8 Vessel Defendants as well as any claims that Marine Exchange has
9 asserted in *Gutierrez*.

10 5. The Limitation Plaintiffs have agreed not to pursue any claims in
11 the Limitation Action that they have asserted against one another,
12 either as claims or as defenses.

13 6. Based on the above, settlements have been reached with all
14 claimants that would potentially participate in the April 24
15 Limitation Action trial. To date, other than the undersigned parties,
16 approximately 400 other claimants have submitted claims in the
17 Limitation Action but have not filed answers in the Limitation
18 Action or otherwise participated in the Limitation Action in any
19 fashion. Most of these claimants are understood to fall in the
20 definition of the proposed classes of claims that have been settled
21 (subject to Court approval) pursuant to the Vessel Defendants' and
22 Amplify's settlements with the Class Plaintiffs and will receive
23 compensation and release their claims pursuant to those settlements,
24 unless they choose to opt out. The Limitation Plaintiffs assert that
25 since none of these claimants has submitted an answer in the
26 Limitation Action, they lack standing to oppose exoneration or
27 limitation pursuant to Supplemental Rule F(5) of the Supplemental
28 Admiralty Rules to the Federal Rules of Civil Procedure. Further,

1 no such claimants have participated in any pre-trial proceedings or
2 have otherwise indicated they are prepared to proceed with trial on
3 April 24.

- 4 7. All undersigned parties have confirmed that they have no objections
5 to any of the fees that have been billed or are expected to be billed
6 by the Special Masters. The parties will confer on a proposed re-
7 allocation of those fees amongst themselves and advise the Court of
8 the agreed upon re-allocation or any disputes by Friday, April 21.
9 All Special Master fees that are invoiced by April 28, 2023 shall be
10 paid no later than May 28, 2023.

11 In light of the foregoing, the undersigned parties jointly stipulate to and request the
12 Court to so-order the following.

- 13 1. In light of the settlements of the claims of all parties that filed
14 answers in the Limitation Action, the Limitation Action trial
15 scheduled for April 24, 2023 and all associated hearings are hereby
16 vacated.
- 17 2. The Limitation Action is stayed pending the Court's
18 consideration of the settlement between the Class Plaintiffs and the
19 Vessel Defendants.
- 20 3. Counsel for Amplify and the Class Plaintiffs are required to
21 attend the April 24 hearing to consider final approval of the Class
22 Plaintiffs settlement with Amplify; counsel for the Vessel
23 Defendants, Marine Exchange, COSCO, DCOR and the Subrogated
24 Insurers are not required to attend the final approval hearing
25 scheduled for April 24.
- 26 4. In light of the proposed settlement between the Class Plaintiffs
27 and the Vessel Defendants, the parties request that the following
28

1 motions be stayed pending Final Approval of the proposed Class
2 Settlement, after which they will be withdrawn as moot:

3 a. Limitation Action: Dkt. Nos. 30, 33, 47, and 48.

4 b. Gutierrez: Dkt. Nos. 467, 469, and 470.

5 5. All other motions in the Limitation Action and the *Gutierrez*
6 Action are hereby withdrawn as moot by the parties and no
7 further action on those motions is required. These motions are:

8 a. Limitation Action: Dkt. Nos. 210, 212, 260-268, 269-272,
9 280, 281, 285, 310-311, 313-315, 317, 320, 324, 327, 331,
10 341-342, 350, 360, and 377.

11 b. Gutierrez: Dkt. Nos. 228-229, 310, 317, 386, 453-55,
12 464-465, 492-497, 513, 514, 541, 711, and 716.

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15 **IT IS SO ORDERED.**

16 Dated: April 17, 2023



17 Hon. David O. Carter
18 United States District Judge
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1 Stipulated and agreed to:

2 **DATED:** April 17, 2023

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4 /s/ Jonathan W. Hughes

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SIGNATURE CERTIFICATION

Pursuant to L.R. 5-4.3.4(a)(2)(i), I hereby attest that all signatories listed, and on whose behalf the filing is submitted, concur in this filing's content and have authorized this filing.

DATED: April 17, 2022

/s/ Omid Nasab